BOMBAY ACT No. XLVII OF 1951.[1]

[THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951.]

[*14th January 1952*]

An Act to abolish exemption from land revenue enjoyed by holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay.

WHEREAS it is expedient to abolish exemption from the payment of land revenue enjoyed by the holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay and to provide for certain other matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.

(*2*) It extends to the villages specified in the Schedule in the Bombay Suburban and Thana Districts.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) ' Code ' means the Bombay Land Revenue Code, 1879 ;

Bom. V of 1879.

(*b*) ' estate ' means a village or a part thereof specified in the Schedule, and held under a kowl ;

(*c*) ' estate-holder ' means a holder of an estate and includes any person lawfully holding under or through him ;

(*d*) ' kowl ' means a lease, a farm or an agreement under which an estate is held from the State Government ;

(*e*) ' permanent holder ' means a sutidar, a shilotridar, a peasant proprietor or a holder who was in possession of the land in an estate before the grant of the kowl and whose rights have not been acquired by the estate-holder or who permanently holds any land on payment of assessment to the estate-holder ;

(*f*) ' Schedule ' means the Schedule appended to this Act.

(*2*) Any words or expressions which are defined in the Code and not defined in this Act shall be deemed to have the meaning given to them by the Code.

Liability of land in estates to land revenue and extinguishment of estate-holder's right to revenue assessment and reversion or lapse.

3. (*1*) Notwithstanding anything contained in the kowl, a decree or order of a court or any other instrument or any law for the time being in force, but subject to the provisions of sub-section (*3*),—

(*a*) all lands in any estate are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ;

(*b*) (*i*) an estate-holder in respect of any land which is in his actual possession as an estate-holder or is in the possession of any person who holds the same through or under him and who is not a permanent holder, and

(*ii*) a permanent holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 285.

rights and shall be liable to all the obligations in respect of such land under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the amount of any rent or a sum of money payable by the estate-holder as consideration or otherwise under the terms of the kowl shall no longer be leviable.

(*2*) The right to recover assessment in respect of any land held by a permanent holder and the right of reversion or lapse, if any, in respect of such land under the terms of the kowl shall be deemed to have been extinguished.

(*3*) Nothing in sub-section (*1*) shall be deemed to affect the right of any person to hold any land in an estate wholly or partially exempt from the payment of land revenue under a special contract, or grant made or recognized by the terms of the kowl in respect of the estate or under a law for the time being in force in favour of any person other than the estate-holder.

Waste lands, etc., to vest in Government.

4. (*a*) All waste lands in any estate which under the terms of the kowl are not the property of the estate-holder,

(*b*) all waste lands in any estate which under the terms of the kowl are the property of the estate-holder but have not been appropriated or brought under cultivation before the 14th August 1951, and

(*c*) all other kinds of property referred to in section 37 of the Code situate in an estate which is not the property of any individual or an aggregate of persons legally capable of holding property other than the estate-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto,

are and are hereby declared to be the property of the State and it shall be lawful to dispose of and sell the same by the authority in the manner and for the purposes prescribed in section 37 or 38 of the Code, as the case may be.

Forest rights.

5. The rights to trees specially those reserved by the Code, the Indian Forest Act, 1927, or any other law for the time being in force, shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in any of the estates. XVI of 1927. XVI of 1927.

Application of the Code to lands in estates.

6. Save as otherwise expressly provided in this Act, the provisions of the Code shall apply to lands in any estate.

Method of compensation for the extinguishment or modification of any rights in land.

7. (*1*) If any estate holder or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such estate holder or person proves that such extinguishment or modification amounts to transference to public ownership of such property, such estate holder or person may apply to the Collector for compensation.

(*2*) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force.

(*3*) The Collector shall after a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate:

Provided that—

(*a*) the amount of compensation for the extinguishment of the right of reversion in lands in any estate shall not exceed the amount calculated at the rate of Rs. 10 per 100 acres of such lands;

(*b*) the amount of compensation for the extinguishment of any right in any waste land or in any other property referred to in clause (*c*) of section 4, which under the terms of the kowl was the property of the estate holder shall not exceed the amount calculated at the rate of Rs. 25 per 100 acres of such land:

Provided further that, in the case of the extinguishment or modification of any other right of any estate holder or any right of any other person, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*4*) Subject to the provisions of sub-section (*5*), the award of the Collector shall be final.

(*5*) Any person aggrieved by the award or decision of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom XII of 1939.

(*6*) In deciding appeals under sub-section (*5*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

8. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. **Limitation.**

IX of 1908.

9. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. **Court fees.**

VII of 1870.

10. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands in any estate or the mutual rights and obligations of an estate holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. **Provisions of Bom. LXVII of 1948 to govern relations of estate holder and tenants.**

Bom. LXVII of 1948.

11. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*. **Rules.**

SCHEDULE.

[*See* section 2 (*1*)(*f*)]

Bombay Suburban District.

1. Deonar.
2. Borla.
3. Kirol.
4. Kanjur.
5. Bhandup.
6. Vikroli.
7. Vyaravli.
8. Chendavli.
9. Powai.
10. Tirandaj.
11. Kopri.
12. Sanki.
13. Paspoli.
14. Tangwan.
15. Kurla.
16. Marol.
17. Asalpay.
18. Kole Kalyan.
19. Mohili.
20. Parjapur.
21. Shahar.
22. Mogra (Mogray).
23. Wasivre (Oshivra).
24. Bandhivli.
25. Maravli.
26. Mahul.
27. Vile Parle.
28. Juhu.
29. Hirali.
30. Majas.

Thana District.

1. Varsawa Boreghat.
2. Chena.
3. Ghodbunder.
4. Bhayander.
5. Mira.
6. Chinchevli.
7. Dindoshi.
8. Akurli.
9. Borivde.
10. Dahisar.
11. Magatane.
12. Arey.
13. Kaneri.
14. Part Pahadi.
15. Goregaon.
16. Poisar.
17. Walnai.
18. Wadhwan.
19. Eksar.
20. Malad.
21. Tulsi.